

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

IN RE:	§	
	§	CAUSE NO. 10-20102
	§	
	§	
USA LOGISTIC CARRIERS, L.L.C., et al	§	Chapter 11
Debtor	§	

MOTION OF LINDA THOMPSON
FOR RELIEF FROM AUTOMATIC STAY PURSUANT TO 11 U.S.C. §362(f)

MOVANT HAS REQUESTED AN EXPEDIATED HEARING TO BE CONDUCTED ON THIS MATTER ON SEPTEMBER 7, 2010, AT 10:30 A.M., CST IN THE U.S. BANKRUPTCY COURT, U.S. COURTHOUSE, 1133 NORTH SHORELINE DRIVE, 2nd FLOOR, CORPUS CHRISTI, TEXAS.

IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING, SPECIFICALLY ANSWERING EACH PARAGRAPH OF THIS PLEADING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY-THREE DAYS FROM THE DATE YOU WERE SERVED WITH THIS PLEADING. YOU MUST SERVE A COPY OF YOUR RESPONSE ON THE PERSON WHO SENT YOU THE NOTICE. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

TO THE HONORABLE JUDGE OF SAID COURT:

1. COMES NOW, LINDA THOMPSON, hereinafter referred to as "Movant", pursuant to 11 U.S.C. §362 (f), and moves the Court to lift the automatic stay of 11 U.S.C. 362(a), and would respectfully show the Court the following:

2. This Court has jurisdiction of this contested matter pursuant to 28 U.S.C. §1471 and 11 U.S.C. §§362, 363 and 552(b).

3. USA LOGISTIC CARRIERS, L.L.C. ("Debtor") filed its petition under Chapter 11 of the Bankruptcy Code (11 U.S.C. §§101, et seq.), on February 2, 2010. Charles Sterbach has been appointed Chapter 11 Trustee. Movant requests this Court to

enter an order to allow Movant to proceed with her negligence claim against Debtor filed in State Court under Cause No. DC-10-118, 229th District Court of Starr County, Texas. Movant is seeking recovery from Debtor's liability insurance policy covering Debtor at the time Movant sustained injuries as a result of Debtor's negligence.

4. The automatic stay should be lifted because any recovery under the liability insurance policy would have no effect on the bankruptcy estate, and Movant agrees to pursue her claim against Debtor for the insurance policy only.

A. Facts of State Court Case

5. On or about November 18, 2009, at approximately 1:25 p.m. on U.S. Highway 83 at the intersection of Mendez Avenue in Roma, Starr County, Texas, Movant, Linda Thompson, was stationary facing southbound at a red light when Luis E. Ruano, who had been traveling behind Linda Thompson's vehicle in a 2008 White Kenworth Tractor Trailer, VIN#1XKADB9X78J226387, negligently failed to control his speed and collided into the rear of Ms. Thompson's 2002 White Ford Windstar Van. As a result of Luis E. Ruano's negligence, a violent collision occurred when the 2008 White Kenworth Tractor Trailer operated Mr. Ruano struck the 2002 White Ford Winstar Van operated by Linda Thompson. Luis E. Ruano was an employee of USA Logistic Carriers, L.L.P., who is being sued under the doctrine of Respondeat Superior and negligent entrustment.

6. Movant filed a suit against Debtor, USA Logistic Carriers, L.L.P, and Defendant, Luis E. Ruano, in the 229th Judicial District Court of Starr County, Texas in Cause No. DC-10-118 ("the personal injury suit") on March 3, 2010.

B. Motion to Lift Stay

7. Debtor is insured by a primary liability insurance policy which Movant, upon information and belief, avers has provided Debtor with legal counsel and a defense

in the personal injury suit. Therefore, proceeding to trial in the personal injury suit in order to establish and liquidate Movant's claims against Debtor will not adversely affect the Debtor, but will instead expedite this Court's administration of this proceeding.

8. All of the issues to be determined in the personal injury suit are matters of state law that can better be resolved by the state court, than by this court. These facts give rise to rights to Movant under the Texas common and statutory law. These rights solely involve questions of state law, and would not be within the jurisdiction of this Court was it not for Debtor's having sought protection from its creditors by the filing of the instant proceeding.

9. WHEREFORE, Movant prays that the entry of an Order lifting the automatic stay under 362(a) of the Bankruptcy Code in order to allow Movant to proceed with her claims against Debtor in the State Court case and thereby recover the compensation Movant is due under Debtor's liability insurance policies and have other and further relief to which she may be entitled, whether in law or in equity.

10. Dated: August 11, 2010.

Respectfully submitted,

GUERRA LAW FIRM
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/S/ Manuel Guerra, III
MANUEL GUERRA, III
Texas Bar No. 00798226
Federal I.D. No.
Attorney for Movant

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2010, the above and foregoing document was served by the US first class mail, postage prepaid on the parties listed on the service list attached hereto.

/S/ Manuel Guerra, III
MANUEL GUERRA, III

Exhibit A
Limited Service List

USA Dry Van Logistics, LLC, et al. 3101 West Military Hwy. McAllen TX 78503	Roderick Glen Ayers, Jr. Langley Banack Inc 745 E. Mulberry, Ste 900 San Antonio TX 78212-3166	
Charles Robert Sterbach United States Department of Justice Office of the United States Trustee 606 N. Carancahua St., Ste. 1107 Corpus Christi, TX 78476	Mitchell Grodman, Esq. Temporary Chairman World Fuel Services, Inc. 9800 Northwest 41's, Suite 400 Miami FL 33178	Jay Ellison French-Ellison Truck Center PO Box 200187 San Antonio TX 78220
Teresa Miller Southern Tire Mart, LLC 529 Industrial Park Rd. Columbia, MS 39429	Internal Revenue Service P. O. Box 21126 Philadelphia PA 19114	Office of the U.S. Attorney P. O. Box 61129 Houston TX 77208
William Thomas McLain Reagan & McLain 6060 North Central Expressway Suite 690 Dallas TX 75206	General Electric Capital Corp. Attn: Hannah L. Blumenstiel 800 Long Ridge Road Stamford CT 06927	General Electric Corporation Attn: Rob McNabb 201 Main Avenue Norwalk CT 06851
J. Douglass Bacon and Stephen R. Tetro H Latham & Watkins 233 South Wacker Drive, Ste 5800 Chicago IL 60606	Shelby A. Jordan and Peter Holzer Jordan, Hyden, Womble, Culberth & Holzer, P.C. 500 N. Shoreline Blvd., Ste 900 Corpus Christi TX 78470	Jude Robert C. Pate Frost Bank Plaza 802 N. Carancahua, Ste 1350 Corpus Christi TX 78470
Michael Allen 2216 Red River Mission TX 78572	Michael P. Ridulfo Brown McCarroll LLP 1111 Bagby 47th Floor Houston TX 75270	Joseph M. Coleman, George H. Barber, David D. Ritter & John J. Kane Kane Russell Coleman & Logan PC 1601 Elm Street, Ste 3700 Dallas TX 75201
Bruce H. White & Bryan L. Elwood Greenberg Traurig, LLP 2200 Ross Avenue, Suite 5200 Dallas TX 75201	Eli O. Columbus and "Eric" Weiting Hsu Winstead PC 1201 Elm Street, Ste 5400 Dallas TX 75270	J. Scott Rose & Toni Price Jackson Walker, L.L.P. 112 E. Pecan Street, Ste 2400 San Antonio TX 78205

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McAllen TX 78502-6137

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Sergio Lagos
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Hidalgo County Tax Assessor
Collector PO Box 178
Edinburg TX 78540

Art Salinas Engineering and
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Capital One
Attn: Commercial Loan Processing
P. O. Box 4649
Houston TX 77210-4649

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Pharr TX 78577

Capital One Bank
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McAllen TX 78501

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Salt Lake City UT 84126-0536

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World Fuels Services 1101 5'h Ave., Ste 280 San Rafael CA 94901	VIPA Transportation SA de CV Bertha Caballero No. 915 Col. Adnres Caballero Escobedo NL 66050 MEXICO	Fletes Pavi Carr Autotonico Gdl KM 6 El Nacimiento Atotonilco el Alto, JA 47779 MEXICO
HG Transportation Carretera A Hunala KM 1.5 Apodaca Nuevo Leon MEXICO	Gonzalez Trucking Av. De la Convencion de 1914 Nte. Col. Morelos Aguascalientes AG 20140 MEXICO	Transportes eLOLA, SA de CV Carr Mexico Queretaro KM 34.5 Col. Las Conchitas Cuautitlan, EM 54757 MEXICO
R. S. Transfer, SA de CV 1200 San Boca Chica Blvd. Laredo TX 78040	Transportadora Jema, SA- de CV Carretera Mty Monclova KM 5.3 Escobedo NL 66057 MEXICO	Transportes Villaaerral Berlanda SA de CV Blvd Ind de la transformacion No. 3151 Zona Ind. Noroeste Ramos Arizpe CA 25900 MEXICO
Central De Fletes Monterrey SA KM 21.5 Carr Nuevo Laredo Piedras Negras TM MEXICO	Transportes de Nuevo Laredo, SA de CV Carr. Mty-Ldo KM 19.5 S/N Col. Santa Rosa Apodaca Nuevo Leon MEXICO	Transportes Especial Autorizada SA Av. Independencia No. 8 Col. Independencia 54914, TL Edo de Mexico MEXICO
Velotrans, SA de CV Independencia No. 110 Col. Los Reyes Tultitlan, MX 54900 MEXICO	Grupo Camionera Regional, SA de CV Marsala No. 240 Col. Valle de Santa Cecilia 64150 Monterrey Nuevo Leon MEXICO	Autolineas MIT, SA de CV Carretera Laredo KM 26 Cienega De Flores, NL 65550 MEXICO
Super Transporte Internacional SA CV Carr Peidras Negras KM 17+777.35 Ejido San Francisco Nuevo Laredo TM 88176 MEXICO	Auto- Express Hercules, SA de CV Camino Escobedo-El Carmen 201 Esobedo, NL MEXICO	Rocio Karina Gutierrez De Hoyo La Paz 220 McAllen TX 78503
Carga Tamez, SA de CV Chihuahua 4305 Nuevo Laredo TM MEXICO	Transportes Americanos Carga Tamez, SA de CV Chihuahua 4305 Nuevo Laredo TM MEXICO	Transportadora Egoba, SA de CV Av 5 de Febrero No. 1730 Zona Ind. Benito Juarez Queretaro, QR 76130 MEXICO

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